

## *St. Louis City Ordinance 64086*

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 55

INTRODUCED BY ALDERMAN MICHAEL MCMILLAN

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 1) Theresa Avenue from Lindell Blvd. south 225 feet to a point; 2) 25 foot wide east/west alley in City Block 1956 same bounded by Lindell, Channing, West Pine (vacated) and Theresa in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of: A tract of land being part of Theresa Avenue, 60 feet wide, and the 25 foot wide alley in Block 12 of Peter Lindell's First Addition, situated in City Block 1956, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the southern right-of-way line of Lindell Boulevard, 100 feet wide, and the western right-of-way line of Theresa Avenue, 60 feet wide, being also the northeastern corner of Tract 3 of the Mill Creek Valley Subdivision, as recorded in Survey Record Book 12, Page 47, of the St. Louis City Records, thence along said southern right-of-way line, south 75 degrees 14 minutes 43 seconds east, 60.00 feet to a point on the eastern right-of-way line of Theresa Avenue; thence along said eastern right-of-way line, south 14 degrees 45 minutes 41 seconds west, 144.59 feet to a point on the northern right-of-way line of a 25 foot wide alley; thence along said northern right-of-way line, south 75 degrees 09 minutes 12 seconds east, 575.41 feet to a point on the western right-of-way line of Channing Avenue, 60 feet wide; thence along said western right-of-way line, south 14 degrees 50 minutes 13 seconds west, 25.00 feet to a point on the southern right-of-way line of said alley; thence along said southern right-of-way line, north 75 degrees 09 minutes 12 seconds west 575.38 feet to the eastern right-of-way line of Theresa Avenue, as aforementioned; thence along said eastern right-of-way line, south 14 degrees 45 minutes 41 seconds west 55.24 feet to a point; thence north 75

degrees 09 minutes 12 seconds west, 60.00 feet to a point on the western right-of-way line of Theresa Avenue; thence along said western right-of-way line, north 14 degrees 45 minutes 42 seconds east, 224.74 feet to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Saint Louis University will consolidate area for continuation of pedestrian mall.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley and street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley and street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance one year (365 days) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
04/25/97	04/25/97	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
05/30/97			06/06/97	06/13/97
ORDINANCE	VETOED		VETO OVR	
64086				

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